

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CRM-M-19967-2022

Date of decision : 31.05.2022

Ripanjot Singh @ Rippanjot Singh

... Petitioner

Versus

State of Punjab and others

... Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr.Deepak Aggarwal, Advocate
for the petitioner.

Mr.M.S.Nagra, AAG, Punjab.

Mr. Sandeep Sharma, Advocate
for respondents no.2 to 4.

VIKAS BAHL, J.(ORAL)

This is a petition under Section 482 Cr.P.C. praying for quashing of FIR no.95 dated 15.06.2020 registered under Sections 279, 337, 427 IPC at Police Station Civil Lines, Bathinda, and all other consequential proceedings arising therefrom on the basis of compromise.

On 11.05.2022, this Court was pleased to pass the following order:-

“This is a petition filed under Section 482 Cr.P.C. for quashing of FIR No.95 dated 15.06.2020 registered under Sections 279/337/427 of the Indian Penal Code, 1860 at Police Station Civil Lines, Bathinda, District Bathinda (Annexure P-1) and all the subsequent proceedings arising therefrom on the basis of compromise.

Learned counsel for the petitioner has submitted that all the persons concerned are party to the compromise.

Notice of motion for 31.05.2022.

On asking of the Court, Mr. Sarabjit S. Cheema, AAG, Punjab appears and accepts notice on behalf of the respondent-State and Mr. Akhil Aggarwal, Advocate appears on behalf of respondent Nos.2 to 4.

The parties are directed to appear before the Illaqa Magistrate/trial Court for recording their statements qua compromise within a period of 10 days.

The Illaqa Magistrate/trial Court is directed to submit a report on or before the next date of hearing containing the following information:-

- 1. Number of persons arrayed as accused.*
- 2. Whether any accused is proclaimed offender?*
- 3. Whether the compromise is genuine, voluntary and without any coercion or undue influence?*
- 4. Whether the accused persons are involved in any other FIR or not?*
- 5. The trial Court is also directed to record the statement of the Investigating Officer as to how many victims/complainants are there in the FIR.”*

In pursuance to the said order, a report has been submitted by the Chief Judicial Magistrate, Bathinda. The relevant portion of the said report is reproduced hereinbelow:-

“As per the directions of Hon'ble High Court, the report is as under:

- 1. In view of the statement of parties as well as statement of Investigating Officer, only one accused i.e. petitioner Ripanjot Singh alias Rippanjot Singh has been arrayed as accused in the present case FIR.*
- 2. In view of the statement of accused as well as statement of investigating officer, accused has not been declared proclaimed offender.*
- 3. In view of the statements of parties, the statement s of parties appears to be bonafide. The statements have been suffered by the parties are genuine, voluntary and out of their free will and same are not the result of any pressure, undue influence or coercion in any manner.*
- 4. In view of the statement of accused, accused is not involved in any other FIR.*

5. *Statement of Investigating Officer ASI Gurmail Singh was recorded, as per which, in the present case FIR, except complainant/respondent No.2 Sunil Kumar, there are two more victims / injured in the present case FIR, namely, Kamal Kumar and Swaran Lata (Respondents No.3 & 4).*

Photostat copies of statements of complainant, injured as well as accused/petitioner and Investigating Officer are enclosed herewith.

The report is submitted for his Lordships perusal, please.

Yours faithfully,

Encls: As above.

*(Mahesh Kumar Sharma)
Chief Judicial Magistrate,
Bathinda”*

A perusal of the above said report would show that the petitioner and respondent nos.2 to 4 have appeared and have suffered statements with respect to the compromise, which have been found to be voluntary, genuine, and out of free will.

Learned State counsel has stated that he has no objection in case the FIR is quashed on the basis of compromise qua the petitioner.

Learned counsel for respondent nos.2 to 4 has again reiterated that the matter has been settled and the said compromise is in the interest of all the persons and would help in bringing out peace and amity between the two parties.

This Court has heard the learned counsel for the parties and has perused the file.

After perusing the report submitted by the trial Court, this Court finds that the matter has been amicably settled between the petitioner and respondents no.2 to 4. Since the matter has been settled and the parties have decided to live in peace, this Court feels that in order to secure the ends of justice, the criminal proceedings deserve to be quashed.

As per the Full Bench judgment of this Court in “***Kulwinder Singh and others Vs State of Punjab***”, 2007 (3) RCR (Criminal) 1052, it is held that High Court has power under Section 482 Cr.P.C. to allow the compounding of non-compoundable offence and quash the prosecution where the High Court is of the opinion that the same is required to prevent the abuse of the process of law or otherwise to secure the ends of justice. This power of quashing is not confined to matrimonial disputes alone.

Hon'ble the Apex Court in the case of “***Gian Singh Vs. State of Punjab and another***”, 2012 (4) RCR (Criminal) 543, had also observed that in order to secure the ends of justice or to prevent the abuse of process of Court, inherent power can be used by this Court to quash criminal proceedings in which a compromise has been effected. The relevant portion of para 57 of the said judgment is reproduced hereinbelow:-

“57. The position that emerges from the above discussion can be summarised thus: the power of the High Court in quashing a criminal proceeding or FIR or complaint in exercise of its inherent jurisdiction is distinct and different from the power given to a criminal court for compounding the offences under Section 320 of the Code. Inherent power is of wide plenitude with no statutory limitation but it has to be exercised in accord with the guideline engrafted in such power viz; (i) to secure the ends of justice or (ii) to prevent abuse of the process of any Court.”

In view of what has been discussed hereinabove, this petition is allowed and FIR no.95 dated 15.06.2020 registered under Sections 279, 337, 427 IPC at Police Station Civil Lines, Bathinda and all the subsequent proceedings emanating therefrom are ordered to be quashed, qua the petitioner.

May 31, 2022.

Davinder Kumar

(VIKAS BAHL)
JUDGE